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3/19/1991

CHEMICAL PROCESSORS, INC.  
PIER 91 FACILITY  
METRO WASTE DISCHARGE PERMIT

FILE COPY

USEPA RCRA



3012752



**METRO**  
Municipality of Metropolitan Seattle

Exchange Building • 821 Second Ave. • Seattle, WA 98104-1598

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

March 19, 1991

Ms. Susan Donahue  
Chemical Processors, Inc.  
2203 Airport Way South, Suite 400  
Seattle, Washington 98134

Issuance of Wastewater Discharge Permit to Chemical Processors, Inc. - Pier 91 by the Municipality of Metropolitan Seattle (Metro) Permit No. 7099.

Dear Ms. Donahue:

Your application for issuance of a Discharge Permit has been reviewed and processed in accordance with Chapter 90.48 RCW as Amended, Public Law 92-500, and Metro Resolution 3374.

The enclosed issued permit (No. 7099) covers the wastewater discharge from the Chemical Processors, Inc. - Pier 91 facility located at 2001 West Garfield, Seattle, Washington into the Metro sewerage system. All discharges from this facility, and actions and reports relating thereto shall be in accordance with the terms and conditions of this permit.

Please keep in mind that an application for renewal of this permit shall be filed with Metro no later than one hundred eighty (180) days prior to the expiration of this permit.

If you have any questions, please contact Ray Carveth at 684-2326.

Very truly yours,

Elsie J. Hulsizer  
Industrial Waste Supervisor  
Comprehensive Planning Division

EJH/RAC:mwr  
Enclosure

cc: Doug Knutson, Dept. of Ecology  
Bob Robichaud, EPA  
Victor Lee, City of Seattle  
David Aggerholm, Port of Seattle  
Doug Hilderbrand, Metro

RAC22A\PTLCP91

Permit No: 7099  
Issuance Date: 3/19/91  
Expiration Date: 3/19/96

WASTE DISCHARGE PERMIT

Municipality of Metropolitan Seattle METRO  
Seattle, Washington 98104

In Accordance with the Provisions  
of Chapter 90.48 RCW as Amended,  
Public Law 92-500 and Metro  
Resolution 3374, a Waste  
Discharge Permit is  
Issued to:

Chemical Processors, Inc.  
2203 Airport Way South, Suite 400  
Seattle, WA 98134

Plant Location: Chemical Processors, Inc. Pier 91 Facility  
2001 West Garfield Street, Box C105  
Seattle, WA 98119

Mailing Address: Chemical Processors, Inc.  
2203 Airport Way South, Suite 400  
Seattle, WA 98134

Permission is hereby granted to discharge industrial  
wastewater from the above identified facility into the Metro  
sewer system in accordance with the effluent limitations,  
monitoring requirements and other conditions set forth in this  
permit.

This permit is based on information provided in the permit  
application which together with the following conditions and  
requirements is considered part of the permit. All discharges  
authorized herein shall be consistent with the terms and  
conditions of this permit. This permit is not transferable  
without authorization from Metro.

By Elsie J. Hulsizer  
Elsie J. Hulsizer  
Industrial Waste Supervisor  
Comprehensive Planning Division

## PIER 91 FACILITY WASTE DISCHARGE PERMIT

### TABLE OF CONTENTS

<u>Section</u>	<u>Topic/Title</u>	<u>Page</u>
S1	Emergency Contacts	3
S2	Company Identification	4
S3	Sample Site Access and Identification	5
S4	Notification Requirements	6
S5	Effluent Limitations	7
S6	Monitoring Responsibilities	10
S7	Special Requirements/Compliance Schedule	12
S8	Summary of Required Reports	13
S9	Monitoring and Record Keeping Procedures	15
S10	Criteria Constituting a Violation	17
S11	Operations and Maintenance	18
	A. Chemical Storage	
	B. Spill Prevention/Notification	
	C. Pretreatment Equipment	
	D. Water/Sewer Meter Requirements	
	E. pH	
	F. Solid Waste	
	G. Stormwater/Cooling Water	
S12	General Conditions	22
S13	Washington Department of Ecology (Ecology) Conditions	25
S14	90 Day Report Requirements	26
S15	TTO Definition/Reporting Requirements	27
	Metro Resolution 3374	



S1. EMERGENCY CONTACTS

West Point / Emergency Phone No: 24 HOURS  
684-1800

Metro Industrial Waste Section Phone No: 7:30am - 4:00pm

Ray Carveth, Sr. Industrial Waste Investigator:  
684-2326

Elsie Hulsizer, Industrial Waste Supervisor:  
684-2364

Washington State Department of Ecology  
Emergency Spill Phone No: 24 HOURS  
867-7000

S2. COMPANY IDENTIFICATION

Discharge to: West Point Treatment Plant

Industry Type: Oily Wastewater and Chemical Wastewater  
Treatment and Disposal

Limit Type: Metro Local Limits with TTO Report  
required to establish compound specific  
TTO limits.

SIC Code No.: 4953

Categorical/Noncategorical: noncategorical

Metro Sample Site Station No(s): A4029 1-7

Description of Metro Sample Site(s):

- \* A4029 is the final sample site for this facility. It is currently located in a manhole that is approximately 60 feet N.W. of the final oil water separation unit.
- \* This permit contains the requirement that a secured sample site be installed at this facility. That requirement will involve moving site A4029 to a location closer to the final oil water separation unit. The new sample site number will be A4029-7.
- \* A4029 1-6 are tanks located in the chemical tank farm. These tanks can be sampled individually if necessary. The water discharged from these tanks must also pass through the new final sample site A4029-7.

Discharge from site No(s) A4029 1-7 are not categorical.

Hazardous Waste Generator No.: WAD 000812917

S3. SAMPLE SITE ACCESS AND IDENTIFICATION

- A. Unobstructed access to the final sample site A4029-7 shall be available to authorized Metro personnel 24 hours per day seven days per week.
- B. Access to sample sites A4029 1-6 shall be available to authorized Metro personnel during Chempro Pier 91 normal operating hours. The Permittee shall be responsible for providing alternate sample sites in the event of access obstruction or upon evidence of monitoring equipment molestation.
- C. For safety reasons Chempro personnel shall accompany Metro personnel when they arrive on site for an inspection or to sample sites A4029 1-6. Accompaniment is not required for site A4029-7.
- D. The Permittee shall allow Metro to permanently label the sample sites used to collect wastewater samples.

S4. NOTIFICATION REQUIREMENTS

A. Spills

The Permittee shall notify Metro immediately in the event of a spill to the sanitary sewer.

B. Changes In Discharge Characteristics

The Permittee shall inform Metro prior to :

1. The significant alteration (> 20% increase from permit application) in the volume or nature of their industrial discharge.
2. Discharge of waste streams not listed in the permit application.

Following the notification discharge may commence upon receipt of written permission from Metro.

C. Continuing Discharge After Permit Expiration Date

This permit does not authorize discharge after its expiration date. If the Permittee wishes to continue discharge after the expiration date an application must be filed for reissuance of this permit at least 180 days prior to the expiration date.



S5. EFFLUENT LIMITATIONS

A. General Requirements

1. The Permittee's discharge shall not interfere with the operation of the municipal sewer system, cause Metro to exceed its NPDES permit limits, or endanger local utility or Metro sewer workers.
2. Wastewater from regulated processes shall comply with the effluent limitations prior to dilution with other wastewaters unless a fixed alternative discharge limit is approved by Metro. Commingling of waste streams for the purpose of treatment is approved at this Treatment, Storage and Disposal Facility

B. Violation Criteria

Criteria for determining violations are explained in Section S10. Resolution 3374 also lists criteria for mass violations and reporting violations. Exceeding either restrictive limitation, concentration or quantity (mass) at any time is a violation.

C. Effluent Limitations for Site(s) No. A4029 1-7  
--Metro Limits--

Discharge from this site is not regulated by Federal Pretreatment Standards (i.e. this is a noncategorical discharge). The EPA has proposed regulations for Centralized Waste Treatment. This facility will be subject to those regulations upon their adoption. In accordance with EPA guidelines and because no categorical waste is accepted at this site this facility is regulated by Metro Local Limits.

Effluent Limitations

Parameter	Instantaneous Max (mg/L)	Daily Avg (mg/L)	Max (lb/day)
Arsenic(As)	4.0	1.0	0.87
Cadmium (Cd)	0.6	0.5	0.44
Chromium(Cr)	5.0	2.75	2.40
Copper(Cu)	8.0	3.0	2.62
Lead(Pb)	4.0	2.0	1.74
Mercury(Hg)	0.2	0.1	0.87
Nickel(Ni)	5.0	2.5	2.18
Silver(Ag)	3.0	1.0	0.87
Zinc(Zn)	10.0	5.0	4.35
Cyanide(CN, T(a))	3.0	2.0	1.74
Polar Fats Oils & Grease(FOG) (b)	NA(c)	100	NA
Nonpolar FOG (d)	NA	100	NA
pH minimum (e)	5.0	5.5	NA
pH maximum	12.0	12.0	NA
Temperature	150 F	150F	NA
LEL	(f)		
TTO	(g)		
Flow (gpd)			
Total	200,000 gpd		
Industrial	104,520 gpd		
Cooling	5,000 gpd		
Condensate	40,000 gpd		
Rain water	50,000 gpd		
Sanitary	480 gpd		

Due to contaminated storm water discharges this facility may discharge up to 240,000 gallons per any one day however the 30 day average discharge cannot exceed 200,000 gallons per day.

Notes:

- (a) CN, T = Total Cyanide
- (b) Polar Fog = FOG of animal vegetable origin
- (c) NA = Not applicable
- (d) Nonpolar FOG = FOG of mineral petroleum origin
- (e) pH is in standard units
- (f) LEL = Lower Explosive Limit. At no time shall two successive readings on an explosive hazard meter at the point of discharge into the municipal sewer system (or at any point in the system) be more than five percent (5%) LEL. No single reading shall exceed ten percent (10%) of the lower explosive limit. Prohibited materials include, but are not limited to, gasoline, kerosene, naptha, benzene, toluene, xylene.
- (g) TTO = Total Toxic Organics. A compound specific limit for TTO will be determined by Metro following submittal of the Permittee's 90 Day Report.



S6. MONITORING RESPONSIBILITIES

A. Responsibility

It is the responsibility of the Permittee to test and observe their effluent to insure that the effluent limitations of this permit are met.

B. Response When Violations are Detected

In the event self-monitoring data shows a violation the Permittee shall:

1. take immediate action to stop the violation
2. notify Metro within 24 hrs of learning of the violation
3. submit a written report within fourteen (14) days of learning of the violation which explains the cause of the violation and corrective actions taken to respond to the violation and insure ongoing compliance.
4. resample and submit new data to Metro within 14 days of becoming aware of the violation.

C. Nonrequired Self-Monitoring

All sampling data collected by the Permittee and analyzed using procedures approved by 40 CFR 136 or approved alternatives shall be submitted to Metro whether required as part of this permit or done voluntarily by the Permittee. Only discharge related water analyses should be submitted.

D. Monitoring Requirements - Self-Monitoring Required

1. The Permittee shall monitor its discharges to the municipal sewer as specified below.

Site : A4029 1-6  
Parameters: Metals (Cd,Cr,Cu,Pb,Ni,Zn) pH,  
FOG, TTO, and discharge volume.  
Sample Type: Grab  
Frequency: Upon request by Metro.

Site: A4029-7  
Parameters: Metals (Cd,Cr,Cu,Pb,Ni,Zn) pH,  
FOG, TTO, and discharge volume.  
Sample Type: Grab  
Frequency: Metals, pH and FOG on each batch  
(tank) to be discharged. TTO  
sample shall be taken monthly  
from a representative batch  
discharge known to contain TTO.



2. Volume from all batch discharges shall be recorded on the self-monitoring form.
3. Self Monitoring Reports shall be submitted no later than the 15th day of the time period following the sample collection. (i.e. The 15th day of the following month for monthly samples). The Permittee shall use the Metro self-monitoring form to submit results unless an alternate form is approved by Metro.

S7. SPECIAL CONDITIONS/COMPLIANCE SCHEDULE

1. Within sixty days from the receipt of the final permit the Permittee shall install a new secured sample site which will be designated A4029-7. Metro will provide the minimum dimensions for this sample site.
2. The treatment of the following wastestreams are covered by this permit:
  - A. Petroleum products
  - B. Oil and Coolant emulsions
  - C. Sludges, scale and debris associated with tank cleaning
  - D. Acidic or alkaline aqueous solutions with or without metals contaminants
  - E. Aqueous solutions containing contaminants. Contaminants may include phenolics, metals and solvents.
  - F. Aqueous solutions containing less than 4000 ppm solvent may be treated at this facility. Solutions containing more than 4000 ppm solvent may be stored at this facility while transportation to another facility is being arranged.
  - G. Contaminated stormwater, condensate and non-contact cooling waters, such discharges shall be treated in an approved pretreatment system to achieve compliance with the effluent limitations of this permit.
  - H. Water generated from tank integrity testing, such discharges shall be treated or pass through the API separator prior to discharge.
3. The discharge of treated effluent from wastestreams other than the ones listed in section S72 of this permit shall not be allowed without prior approval from Metro.
4. The Permittee shall submit a Accidental Spill Prevention Plan (ASPP) within 90 days of receipt of the final permit. The RCRA Contingency Plan may be used in place of the ASPP. See Section S8.
5. The Permittee shall submit a 90 day baseline report within 90 days of receipt of the final permit. See Section S8

S8. SUMMARY OF REQUIRED REPORTS

The Permittee shall submit reports to Metro according to the schedule listed below.

Report Name: SELF MONITORING REPORT  
Frequency: As specified in Section S6.  
Due Date: Report to be filed no later than the 15th day of the time period following the sample collection. (i.e., the 15th of each month for monthly sampling).  
Content/Comments: The monthly self-monitoring reports shall contain the data specified in S6 or, if appropriate, a notification that no discharge has occurred.

Report Name: SPILL OR UPSET CONDITIONS REPORT  
Frequency: As needed.  
Due Date: Within fourteen (14) days after the spill notification.  
Content/Comments: Reason, characteristics of spill and corrective action taken.

Report Name: REPORTS OF DISCHARGE VIOLATIONS  
Frequency: As needed.  
Due Date: Fourteen (14) days after violation known to Permittee.  
Content/Comments: Reason for violation and corrective actions taken.

Report Name: REPORT FOR INSTALLATION UPGRADE OF PRETREATMENT SYSTEM - per WAC 173-240  
Frequency: As needed prior to installation or upgrade.  
Due Date: N/A  
Content/Comments: Approval required before installation/upgrade occurs.

Report Name: COPIES OF DANGEROUS WASTE REPORTS FILED WITH DEPARTMENT OF ECOLOGY  
Frequency: As requested by Metro.  
Due Date: N/A  
Content/Comments: As required by the Washington Department of Ecology.

Report Name: REPORT ON NONREQUIRED SELF MONITORING  
Frequency: As nonrequired samples are collected.  
Due Date: Same as self monitoring report for dates of sample collection, i.e. the 15th day of the month following the sample collection.  
Content/Comments: See S6, item C



SPECIAL REPORTS

Report Name: ACCIDENTAL SPILL PREVENTION PLAN  
The Part B RCRA Emergency Contingency Plan may be substituted for the ASPP if accompanied by a specific section detailing the steps taken to mitigate nonpermitted discharges.

Frequency: Once only (resubmitted with permit renewal)

Due Date: 90 days following permit issuance.

Content/Comments: Steps taken to prevent nonpermitted discharges.

Report Name: 90 DAY BASELINE REPORT

Frequency: Once only (resubmitted with permit renewal)

Due Date: 90 days following permit issuance.

Content/Comments: TTO Definition/Reporting Requirements  
See S14 & S15



S9. MONITORING AND RECORD KEEPING

The Permittee shall monitor their discharge to the municipal sewer. It shall be the responsibility of the Permittee to take whatever steps are necessary to insure discharge requirements are met. All records required by the permit shall be available for review at reasonable times by authorized representatives of the Municipality of Metropolitan Seattle.

A. Recording of Results

For each measurement or sample taken to comply with this permit, the Permittee shall record the following information:

1. the date, exact place and time of sampling;
2. the dates the analyses were performed;
3. the person who performed the analyses;
4. the analytical techniques or methods used; and
5. the results of all analyses.

B. Record Retention

Records of all such testing shall be retained for a period of three (3) years unless litigation or the direction of the Executive Director requires an extension of that time.

C. Representative Sampling

Samples and measurements taken to meet the requirements of this condition shall be representative of the volume and nature of the monitored discharge.

D. Test Procedures

All discharge related analyses shall be performed in accordance with procedures established by the Administrator of EPA pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator, and/or Metro. In all cases the detection limit shall be well below the discharge limit. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication entitled "Sampling and Analysis Procedures for Screening of Industrial

Effluents or Priority Pollutants, April, 1977" or "Standard Methods", 1985 Edition and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

E. Falsifying Information

The act of knowingly falsifying, tampering with, or knowingly rendering inaccurate any monitoring device, report or method required pursuant to the federal pretreatment standards, Metro Resolution 3374, or special condition of this permit shall constitute a violation of this permit, and shall be subject to the legal remedies available under Section 6-06 and Section 13 of Metro Resolution 3374.

F. Toxicity Testing

In the event Metro is required by the Department of Ecology to determine the source of a pattern of acute toxicity pursuant to its Treatment Plant NPDES permit, the Permittee may be required to test its effluent for toxicity according to procedures to be determined by Metro.

S10. Criteria Constituting a Violation

- A. A violation of those limits established under Section 4 of Metro Resolution 3374, federal, state or Metro pretreatment standards, or specific requirements of an industrial waste discharge permit shall occur, regardless of intent or accident, when:
1. The concentration of any daily composite consisting of four (4) or more samples collected over intervals of 15 minutes or greater is in excess of the Daily Averages.
  2. The concentration of any single sample (whether grab or a single sample within a series) - exclusive of any fats, oil, and grease - exceeds the Instantaneous Maximum.
  3. The arithmetic mean of the concentration of fats, oil, and greases for three grab samples, taken no more frequently than at five (5) minute intervals exceeds the limitation.
  4. The lower pH limit is violated whenever any single sample or any instantaneous recording is less than pH 5.0 or when a composite sample consisting of at least four consecutive samples taken at intervals of 15 minutes or greater is less than 5.5 or when any recording of 15 minutes or more averages less than 5.5.
  5. The criteria listed in Section 10 of Metro Resolution 3374 are exceeded.
  6. The temperature limitation of 150 degrees Fahrenheit is exceeded for any single sample or the discharge causes the temperature at the treatment works to exceed 104 degrees Fahrenheit.
- B. A review of any violation will include consideration of testing accuracy prior to enforcement action.
- C. The more restrictive limitation (concentration or mass) shall prevail for determining violations.



S11. OPERATIONS AND MAINTENANCE

The Permittee shall use waste preventative practices to reduce or eliminate contaminant loading to the Municipal Sewer System. These practices shall include proper chemical storage, spill prevention and notification, and maintenance and operation of any required pretreatment equipment.

A. Chemical Storage

Chemical solutions, solid chemicals, waste materials, oils and solvents shall be stored in a manner that will prevent the entry of these materials into the municipal sewer system.

B. Spill Prevention/Notification

The Permittee shall notify Metro immediately in the event of a spill to the sanitary sewer.

1. In the event of a concentrated solution spill such as a tank failure, the Permittee shall not discharge any spilled solution to the municipal sewer system unless laboratory test results indicate that the substance meets the conditions of this permit. The Permittee shall receive approval from the Metro Industrial Waste Section prior to any discharge of spilled solutions.



2. Concentrated waste or spilled chemicals which do not meet, or are not treated to meet, the discharge conditions of this permit shall be transported offsite for disposal at a authorized hazardous waste facility.
3. The Permittee shall maintain and inspect all process tanks on a regular basis. Any leaks shall be repaired promptly.
4. The Permittee shall use spill prevention practices to preclude the discharge of liquids, solids, or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosions.
5. All process tanks and chemical storage containers shall be accurately labeled. Emergency phone numbers of Metro, Fire Departments, your company's 24-hour corporate contact and WDOE shall be posted at all sites that Metro requires.
6. Grab samples from batch dischargers shall meet the daily average.

C. Pretreatment Equipment Maintenance and Operations

All pretreatment systems used to bring the Permittee's discharge into compliance with Metro's discharge limitations shall be maintained continuously in satisfactory and effective operations by the Permittee at his expense, and shall be subject to periodic inspections by authorized Metro Personnel. These systems shall be attended at all times during discharge to the municipal sewer system. In the event that such equipment fails, the Permittee must notify Metro immediately and take spill prevention precautions.

1. Plans for all pretreatment facilities or equipment, whether initial installation or modification of existing equipment, shall be reviewed and approved by Metro and the Washington Department of Ecology prior to construction or initiation.
2. Metro shall be contacted before the beginning of any limited experimental modifications or new equipment testing that could reasonably be expected to adversely affect effluent quality or quantity. This experimental work shall proceed only after securing written approval from Metro and following the Permittee's adherence to any applicable special conditions.
3. The effluent limitations specified in this permit are to be met by treatment of the wastes for pollutant removal. The use of municipal water, groundwater, seawater, storm water or other materials, including waste products, for the purpose of diluting a waste to achieve those limitations is prohibited.

D. Water/Sewer Meter Requirements

1. The Permittee shall obtain or maintain access to a water or sewer meter which can provide accurate information regarding industrial process wastewater and cooling water discharge to the sewer.

E. pH

1. The Permittee shall cease discharge whenever a Metro representative requires, or an effluent check shows a pH violation (as defined in Metro Resolution 3374, Section 10 - Violations. No discharge shall be resumed until the effluent is neutralized to an acceptable level.
2. The Permittee shall maintain a log of all pH checks or a continuous record of effluent pH's as required in S6 - Monitoring Responsibilities. Should an automatic pH recording system fail the Permittee shall manually check the pH at least 4 times per hour. Any discharge without a pH record shall be considered a violation of this permit.

F. Solid Waste

1. The Permittee shall handle and dispose of all solid waste material (as defined in WAC 173-304-100) in such a manner as to prevent their entry into the municipal sewer system.
2. All covers, screening devices, sumps, hoppers, conveyors and other facilities provided for the recovery and handling of waste solids are to be maintained in an efficient operating condition.

G. Stormwater/Cooling Water

1. Storm water and cooling water shall be excluded, except where specifically authorized by this permit, from the municipal sewer system.



S12. GENERAL CONDITIONS

- A. All discharges and activities authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute violation of the terms and conditions of this permit. Whenever the Permittee refuses to take corrective action or continues the violating condition, the imposition of civil penalties and/or termination of this permit may result. Termination of this permit may require disposal of the industrial waste in some manner other than into the public sewer, private sewer, or side sewer tributary to the municipal sewer system at the expense of the person holding the permit.
- B. Any facility changes which will result in a significant change in character or volume of pollutants discharged to the municipal sewer system must be reported to the permit authority. No change shall be made until plans have been approved and a new or modified permit has been issued. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.
- C. The diversion or bypass of any discharge from any pretreatment facility utilized by the Permittee to maintain compliance with the terms of this permit is prohibited except where unavoidable to prevent loss of life or severe property damage. The procedure outlined in paragraph D shall be followed in case of such a diversion or bypass.
- D. In the event the Permittee is unable to comply with any of the conditions of this permit because of a breakdown of equipment or facilities, an accident caused by human error, negligence, or any other cause, such as an act of nature, the Permittee shall:
1. take immediate action to stop, contain and clean up the unauthorized discharges and correct the problem.
  2. immediately notify the Municipality of Metropolitan Seattle so steps can be taken to prevent damage to the sewerage system.



3. submit a written report describing the breakdown, the actual quantity and quality of resulting waste discharged, corrective action taken, and the steps taken to prevent a recurrence.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

- E. The Permittee shall adequately maintain and efficiently operate all treatment or control facilities or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- F. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
  1. A violation by the Permittee of any terms or conditions of this permit;
  2. Securing of the permit by the Permittee through misrepresentation or failure to fully disclose all relevant facts; or
  3. A change in any condition that requires a temporary or permanent reduction or elimination of permanent discharge. The purpose of such reduction or elimination shall be to allow Metro to: a) insure compliance with the requirements of any Federal or State law or administrative regulation relating to water pollution; b) ensure Metro performs its statutory function under RCW 35.58.200; and c) meet any emergency.
- G. The Permittee shall, at all reasonable times, allow authorized representatives of the Municipality of Metropolitan Seattle:
  1. to enter that portion of the premises where an effluent source or disposal system is located or in which any records are required to be kept under the terms and conditions of this permit;
  2. to inspect any monitoring equipment or monitoring methods required by this permit; or
  3. to sample any discharge of pollutants.

- H. If a toxic standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Clean Water Act for a toxic pollutant which is present in the discharge authorized herein, and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee shall be so notified. Section 307(a) requires that the Administrator of the Environmental Protection Agency shall promulgate effluent standards (or prohibition) for toxic pollutants which he has listed as such.
- I. Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.
- J. This permit does not constitute authority for discharge into waters of the state. Any such discharge is subject to enforcement action by the Department of Ecology.
- K. All requirements and ordinances of Metro pertaining to the discharge of wastes into the municipal sewer system are hereby made a condition of this permit.
- L. All requirements and ordinances of the Environmental Protection Agency and the Department of Ecology pertaining to hazardous and toxic wastes, disposal facilities, and discharge of wastes into the municipal sewer system, are hereby made a condition of this permit.
- M. Should the Permittee intend to initiate any additional chemical or waste processing activity not listed in their permit application, to include other unspecified activities, or implement any change in processing or general operations that would alter the characteristics of facility effluent, it will be necessary for the Permittee to submit plans describing these additions or changes for review and approval prior to any such initiation, implementation or change.



S13. WASHINGTON DEPARTMENT OF ECOLOGY (ECOLOGY) CONDITIONS

Upon issuance of this permit, the Permittee assumes the responsibility to abide by the following environmental requirements, and any other appropriate regulations stipulated by the Department of Ecology. **The Department of Ecology retains authority to enforce these permit conditions (RCW 70.105 and RCW 90.48).**

A. Conditions To Protect Ground and Surface Waters

1. Contaminated waters or wastes shall not be discharged to state waters.
2. Boiler blow down and water shall not be discharged to state waters.
3. Solid chemicals, chemical solutions, waste materials, oils and solvents shall be stored in a manner which will prevent the entry of these materials into State ground or surface waters, and in a manner that will prevent spillage by overfilling, tipping or rupture.
4. The Permittee shall handle and dispose of all solid waste material in such a manner as to not cause any adverse effect on ground or surface water quality.
5. Filtered solids or sludge shall be stored in such a manner that drainage from this material is prevented from either draining across public rights-of-way or entering the local storm drain system or the ground water.
6. No emulsifiers or dispersants are to be used on waters of the state without approval from the Department of Ecology.

Questions regarding the implementation of conditions outlined in Section S13 should be directed to the regulatory authority, the Washington State Department of Ecology, at 867-7000 (Northwest Regional Office, Redmond, Washington).

S14. 90 DAY REPORT REQUIREMENTS

The Permittee shall submit the following information no later than ninety days after permit issuance. This information will serve as the "90-Day" baseline report for Total Toxic Organics "TTO". The information in this report will be used to determine whether or not compound specific TTO limits will be established for this facility.

- A. An analysis of the Permittee's effluent for those chemicals used or treated in the Permittee's facility that are listed in the definition of TTO in Section 15 using EPA GCMS Methods 624 and 625 to perform the analyses.
- B. Notification of Routine Batch Discharges which:
  - 1. List the tanks that are routinely discharged with or without treatment.
  - 2. List the frequency and volume of the batch discharge from each tank.
  - 3. List the results from TTO analyses. The first sample shall consist of grab samples collected at the beginning, middle and end of a representative discharge. The remaining 6 samples shall be taken, one sample each, from 6 subsequent representative discharges containing TTO compounds .
- C. The method of treatment or reclamation used for wastes containing TTOS at this facility.
- D. The procedures that are used to insure that TTO's do not routinely spill or leak into the wastewater.



S15. TTO Definition/Reporting Requirements

A. TTO Definition

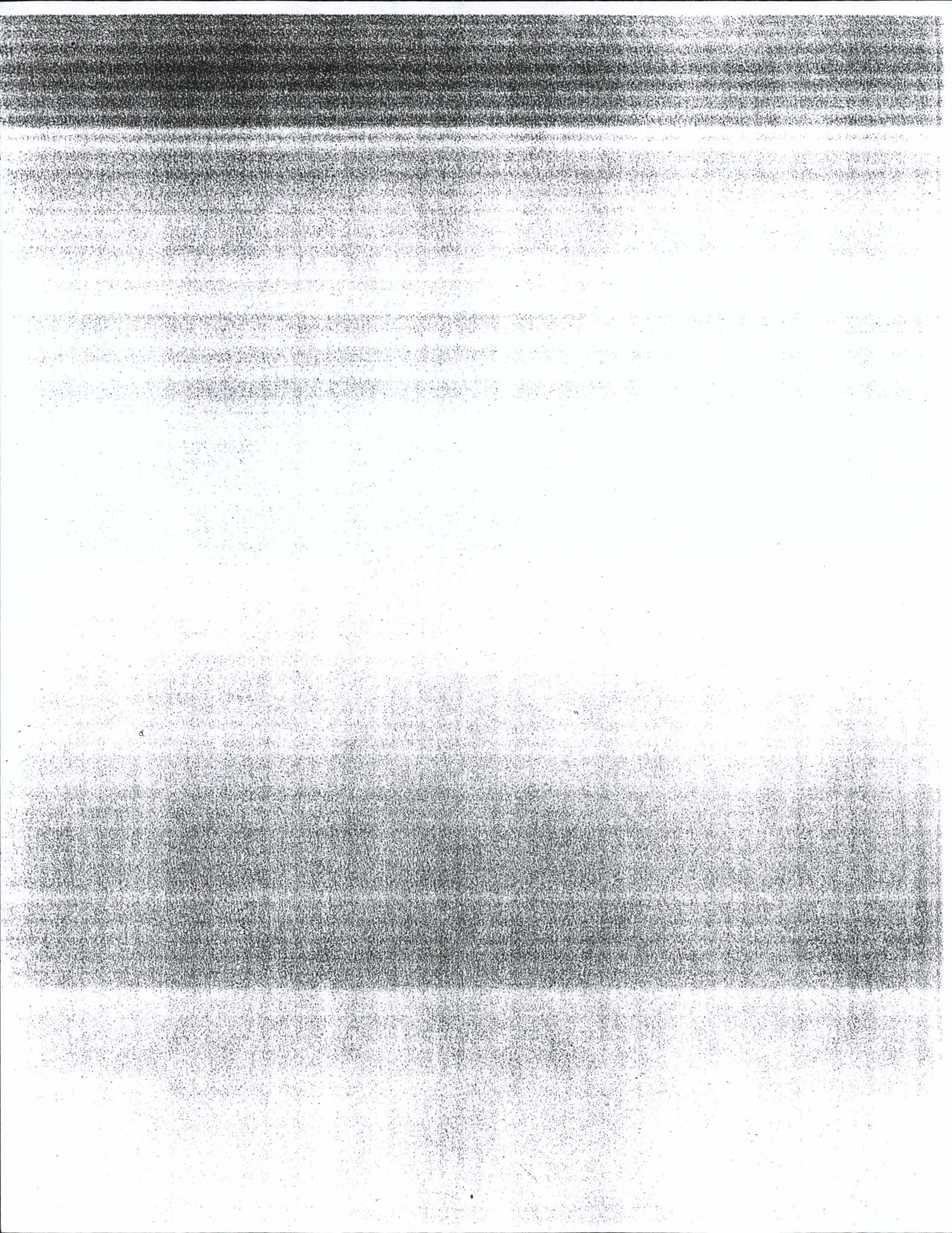
The term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than the Practical Quantification Limits (PQL) listed in SW-846 Methods 8270 and 8240 or greater than 0.01 mg/l, which ever is greater, for the following toxic organics:

Acenaphthene  
Acrolein  
Acrylonitrile  
Benzene  
Benzidine  
Carbon tetrachloride (tetrachloromethane)  
Chlorobenzene  
1,2,4-trichlorobenzene  
Hexachlorobenzene  
1,2-dichloroethane  
1,1,1-trichloroethane  
Hexachloroethane  
1,1-dichloroethane  
1,1,2-trichloroethane  
1,1,2,2-tetrachloroethane  
Chloroethane  
Bis(2-chloroethyl) ether  
2-chloroethyl vinyl ether(mixed)  
2-chloronaphthalene  
2,4,6-trichlorophenol  
Parachlorometa cresol  
Chloroform (trichloromethane)  
2-chlorophenol  
1,2-dichlorobenzene  
1,3-dichlorobenzene  
1,4-dichlorobenzene  
3,3-dichlorobenzidine  
1,1-dichloroethylene  
1,2-trans-dichloroethylene  
2,4-dichlorophenol  
1,2-dichloropropane  
2,4-dimethylphenol  
2,4-dinitrotoluene  
2,6-dinitrotoluene  
1,2-diphenylhydrazine  
Ethylbenzene  
Fluoranthene  
4-chlorophenyl phenyl ether  
4-bromophenyl phenyl ether  
Bis (2-chloroisopropyl) ether  
Bis (2-chloroethoxy) methane  
Methylene chloride (dichloromethane)  
Methyl chloride (chloromethane)

(  
Methyl bromide (bromomethane)  
Bromoform (tribromomethane)  
Dichlorobromomethane  
Chlorodibromomethane  
Hexachlorobutadiene  
Hexachlorocyclopentadiene  
Isophorone  
Naphthalene  
Nitrobenzene  
2-nitrophenol  
4-nitrophenol  
2,4-dinitrophenol  
4,6-dinitro-o-cresol  
N-nitrosodimethylamine  
N-nitrosodiphenylamine  
N-nitrosodi-n-propylamine  
Pentachlorophenol  
Phenol  
Bis (2-ethylhexyl) phthalate  
Butyl benzyl phthalate  
Di-n-butyl phthalate  
Di-n-octyl phthalate  
Diethyl phthalate  
Dimethyl phthalate  
1,2-benzanthracene (benzo(a)anthracene)  
Benzo(a)pyrene (3,4-benzopyrene)  
3,4-Benzofluoranthene (benzo(b)fluoranthene)  
11,12-benzofluoranthene (benzo(k)fluoranthene)  
Chrysene  
Acenaphthylene  
Anthracene  
1,12-benzoperylene (benzo(ghi)perylene)  
Fluorene  
Phenanthrene  
1,2,5,6-dibenzanthracene (dibenzo(a,h)anthracene)  
Indeno (1,2,3-cd) pyrene) (2,3-o-phenylene pyrene)  
Pyrene  
Tetrachloroethylene  
Toluene  
Trichloroethylene  
Vinyl Chloride (chloroethylene)  
Aldrin  
Dieldrin  
Chlordane (technical mixture and metabolites)  
4,4-DDT  
4,4-DDE (p,p-DDX)  
4,4-DDD (p,p-TDE)  
Alpha-endosulfan  
Beta-endosulfan  
Endosulfan sulfate  
Endrin  
Endrin aldehyde  
Heptachlor

Heptachlor epoxide  
(BHC-hexachlorocyclohexane)  
Alpha-BHC  
Beta-BHC  
Gamma-BHC  
Delta-BHC  
(PCB-polychlorinated biphenyls)  
PCB-1242 (Arochlor 1242)  
PCB-1254 (Arochlor 1254)  
PCB-1221 (Arochlor 1221)  
PCB-1232 (Arochlor 1232)  
PCB-1248 (Arochlor 1248)  
PCB-1260 (Arochlor 1260)  
PCB-1016 (Arochlor 1016)  
Toxaphene  
2,3,7,8-Tetrachlorodibenzo-p-dioxin  
(TCDD)







## **RESOLUTION NO. 3374**

Amended by Resolution No. 5806  
and Resolution No. 5696

**A RESOLUTION** of the Council of the Municipality of Metropolitan Seattle establishing rules and regulations for the disposal of industrial waste into the Metropolitan Sewerage System, adopting permit requirements therefore, and superseding Resolution No. 2310.

**WHEREAS**, in order to protect the waters within and adjacent to the metropolitan area from pollution and to secure the health, safety and welfare of the residents of the Seattle-King County metropolitan area, a Metropolitan Sewerage System is being developed and operated by the Municipality of Metropolitan Seattle for the treatment and disposal of wastewater; and

**WHEREAS**, the discharge of industrial and other wastes into the Metropolitan Sewerage System, and the cumulative impacts of any such discharge, will have an adverse impact on water quality, endanger the public health, safety and welfare and present a hazard to the functioning of Metropolitan Sewerage System facilities; and

**WHEREAS**, The Washington State Department of Ecology and the United States Environmental Protection Agency require that industrial waste discharges to Metropolitan Sewerage System facilities be regulated; and

**WHEREAS**, the Congress has enacted the Water Pollution Control Act, as amended by PL 92-500 (Water Pollution Control Act Amendments of 1972) and PL 95-217 (Clean Water Act of 1977), which provides for grants for construction of treatment works and establishes the goals and requirements for levels of treatment by municipal and industrial discharges; and

**WHEREAS**, said PL 92-500 as amended by PL 95-217 establishes a National Pollutant Discharge Elimination System under which the Municipality must obtain a permit for discharges from its Metropolitan Sewerage System and comply with permit conditions which may include effluent treatment and limitation requirements, standards of performance requirements, pretreatment requirements and other requirements, and

**WHEREAS**, the State of Washington has granted to the Municipality the authority to issue permits for the discharge of industrial and other wastes into the Metropolitan Sewerage System, in accordance with federal law and regulations and RCW 90.48.165; and

**WHEREAS**, in order to carry out its authorized function of Metropolitan water pollution abatement pursuant to RCW 35.58.200 and to comply with federal and state laws and regulations, it is

necessary and in the best interests of the residents of the metropolitan area and users of the Metropolitan Sewerage System that the Municipality adopt rules and regulations as set forth in this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Municipality of Metropolitan Seattle as follows:

SECTION 1.  
DEFINITIONS

1-01.     **Definition of Terms Commonly Used**

The following terms, words and phrases when used in this resolution shall have the meanings hereinafter set forth in this section, whether appearing in capital or lower case form. If not defined below, the words and phrases of this resolution shall have their common and ordinary meanings to the degree consistent with the technical subjects herein.

1-01.01.   **Metro or Municipality**

The words "Metro" or "Municipality" shall mean the Municipality of Metropolitan Seattle, a metropolitan municipal corporation of the State of Washington, acting through the Metropolitan Council or any board, committee, body, official or person to whom the Council shall have lawfully delegated the power to act for or on behalf of the Municipality. Unless a particular board, committee, body, official or person is specifically designated in these rules and regulations, wherever action by Metro is explicitly required or implied herein, it shall be understood to mean action by the Executive Director of Metro or his or her duly authorized representative or agent.

1-01.02.   **Executive Director**

The words "Executive Director" shall mean the Executive Director of the Municipality of Metropolitan Seattle or his or her duly authorized representative or agent.

1-01.03.   **Metropolitan Area**

The words "metropolitan area" shall mean the area contained within the boundaries of the Municipality of Metropolitan Seattle as now or hereafter constituted by state law.

1-01.04.   **Industrial Waste**

The words "industrial waste" shall mean any liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing,



business, agriculture, trade or research, including but not limited to the development, recovering or processing of natural resources and leachate from landfills or other disposal sites.

1-01.05. **Waste Discharge**

The words "waste discharge" or "discharge" shall mean the act of discharging or depositing wastes, other than sanitary waste water, into a public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System.

1-01.06. **Waste Discharge Permit**

The words "waste discharge permit" or "permit" shall mean a permit issued pursuant to Section 6 of this resolution for the discharge of waste into a public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System. Such permits may be granted for a specified period of time up to five (5) years.

1-01.07. **Permit Holder**

The words "permit holder" shall mean any person to whom Metro shall have issued a waste discharge permit.

1-01.08. **Sewer**

The word "sewer" shall mean a conduit designed or used to transport waste water and to which storm water, surface and ground waters are not intentionally admitted.

1-01.09. **Combined Sewer**

The words "combined sewer" or "combined sewer system" shall mean a conduit or system of conduits in which both waste water and storm water are transported.

1-01.10. **Public Sewer**

The words "public sewer" shall mean a sewer or combined sewer, exclusive of side sewers, owned or operated, or to be owned or operated, by the Municipality or a local public agency.

1-01.11. **Private Sewer**

The words "private sewer" shall mean a sewer, or combined sewer, exclusive of side sewers, which is not owned or operated by the Municipality or a local public agency.

1-01.12. **Side Sewer**

The words "side sewer" shall mean a conduit extending from the plumbing system of a building or buildings to and connecting with a public or a private sewer.

- 1-01.13. **Standards**  
The word "standards" shall mean limitations and requirements established by federal and state laws and regulations for discharges to the Metropolitan Sewerage System.
- 1-01.14. **Person**  
The word "person" shall mean any individual, company, enterprise, partnership, corporation, association, society, or group, and the singular term shall include the plural.
- 1-01.15. **Biochemical Oxygen Demand (BOD)**  
The words "biochemical oxygen demand" or abbreviation thereof, as "BOD", shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter (as described in the American Public Health Association Publication, Standard Methods For The Examination of Water and Wastewaters, current edition, or Guidelines Establishing Test Procedures For The Analysis of Pollutants, contained in 40 CFR Part 136) in five days at temperature of 20 degrees centigrade, expressed in milligrams per liter.
- 1-01.16. **Suspended Solids**  
The words "suspended solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater and that is removable by laboratory filtering as described in Standard Methods For The Examination of Water and Wastewaters, current edition, or Guidelines Establishing Test Procedures For The Analysis of Pollutants, contained in 40 CFR Part 136, as published in the Federal Register, and referred to as nonfilterable residue.
- 1-01.17. **pH**  
The word "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in moles per liter of solution. Neutral water, for example, has a pH of 7 and a hydrogen ion concentration of  $10(-7)$ .
- 1-01.18. **Prohibited Substance**  
The words "prohibited substance" shall mean any liquid, solid, or vapor which shall not be discharged into the Metropolitan Sewerage System or sewers tributary thereto at any time or under any condition.
- 1-01.19. **Restricted Substance or Characteristic**  
The words "restricted substance or characteristic"



shall mean any industrial waste which may be discharged into the Metropolitan Sewerage System or sewers tributary thereto in the manner prescribed in this resolution or as prescribed by the Executive Director.

**1-01.20. Compatible Pollutant**

The words "compatible pollutants" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in an NPDES permit if the publicly owned treatment works is designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term "substantial degree" is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Examples of the additional pollutants which may be considered compatible include:

Chemical oxygen demand,  
Total organic carbon,  
Phosphorus and phosphorus compounds,  
Nitrogen and nitrogen compounds,  
Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the publicly owned treatment works).

**1-01.21. Incompatible Pollutant**

The words "incompatible pollutant" shall mean any pollutant which is not a compatible pollutant as defined in 1-01.20.

**1-01.22. Shall and May**

The word "shall" is mandatory. The word "may" is permissive.

**1-01.23. Metropolitan Water Pollution Abatement Advisory Committee**

The words "Metropolitan Water Pollution Abatement Advisory Committee" shall mean the citizen advisory committee of the Municipality of Metropolitan Seattle as now or hereafter constituted pursuant to RCW 35.58.210.

**1-01.24. Industrial Cost Recovery**

The words "industrial cost recovery" shall be the recovery from the users of a treatment works, as defined by federal law and regulations, of the federal grant amount allocable to the treatment of wastes from such users.

**1-01.25. Industrial User**

The words "industrial user" for the purposes of industrial cost recovery shall mean any

nongovernmental user of publicly owned treatment works as defined by federal regulations, identified in the Standard Industrial Classification Manual, latest edition, federal Office of Management and Budget, as amended, and supplemented under such categories and such other classes of significant waste producers as are established by regulations of the federal Environmental Protection Agency for the purposes of industrial cost recovery.

- 1-01.26. **Significant Industrial User**  
The words "significant industrial user" shall mean an industrial user that contributes greater than five percent (5%) of the design flow or design pollutant loading of a particular treatment works as defined by federal regulations or greater than 25,000 gallons per day or discharges wastes containing toxic pollutants.
- 1-01.27. **Industrial Cost Recovery Period**  
The words "industrial cost recovery period" shall mean the period during which the federal grant amount allocable to the treatment of waste from industrial users is recovered from the industrial users of a treatment works as defined by federal law and regulations. Unless otherwise required by federal law or regulations, this period shall be thirty (30) years or the useful life of the treatment works, whichever is less.
- 1-01.28. **Pretreatment**  
The word "pretreatment" shall mean the private treatment of wastewaters from sources before introduction into the Metropolitan Sewerage System and public sewers tributary thereto.
- 1-01.29. **Metropolitan Sewer System**  
The words "Metropolitan Sewer System," "Metropolitan Sewerage System" or "Metro system" shall mean all or part of the sewerage facilities acquired, constructed, or used by the Municipality of Metropolitan Seattle.
- 1-01.30. **Local Public Agency**  
The words "local public agency" shall mean any legally constituted city, town, county, special district or other public agency under whose jurisdiction local sewerage facilities may be constructed or operated.
- 1-01.31. **Discharge to Metropolitan Sewerage System**  
The words "discharge to Metropolitan Sewerage System" shall mean any discharge which enters a private side sewer and/or public sewer which is a



tributary to the Metro system and said discharge shall be considered a discharge to said system whether or not specifically identifiable in effluent reaching the Municipality's facilities.

1-01.32. **Treatment Works**

The words "treatment-works" shall mean any facility, method or system acquired, constructed or used by the Municipality for the storage, treatment, recycling, or reclamation of sewage or industrial wastes of a liquid nature, including waste from combined sewers.

1-01.33. **Definition of Additional Terms**

The words and terms of expressions peculiar to the art or science of sewerage not hereinabove defined shall have the respective meanings given in GLOSSARY, WATER AND WASTEWATER CONTROL ENGINEERING, published in 1969, prepared by a Joint Committee representing The American Public Health Association, American Society of Civil Engineers, American Water Works Association, and the Water Pollution Control Federation or in applicable state or federal regulations. In the event of any conflict, the definitions prescribed by applicable federal regulations shall be controlling.

SECTION 2.  
**DECLARATION OF POLICY**

It is hereby declared to be the policy of the Municipality of Metropolitan Seattle that sewerage facilities provided by the Municipality shall be adequate for the transportation, treatment and disposal of industrial and other wastes; that discharge of any prohibited substance into the Metropolitan Sewerage System, and the cumulative impacts of any such discharge by an industrial user or combination of industrial users, will have an adverse impact on water quality, endanger the public health, safety, and welfare and impair the functioning of the Metropolitan Sewerage System facilities even though such discharge cannot be traced to a particular industrial user and even though such discharge cannot be specifically identified in effluent reaching the Municipality's facilities; that industrial growth in the Metropolitan area shall be served by the Metropolitan Sewerage System consistent with the public interest; and that industrial waste shall be accepted into the Metropolitan Sewerage System subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the Municipality for the protection of sewerage facilities and treatment processes, public health and safety, receiving water quality and avoidance of nuisance. As a minimum, industrial users of Metropolitan Sewerage System facilities shall comply with the applicable pretreatment standards developed pursuant to Sections 307(b) and



307(c) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977. This includes the pretreatment standards for existing and new discharges which are defined in regulations promulgated pursuant to these sections of said Act.

Industrial waste discharge permit conditions shall be predicated on federal and state regulations and requirements and on the results of analysis of the type, concentration, quantity and frequency of discharge including the geographical relationship of the point of discharge to sewerage and treatment facilities. These permit conditions shall be reevaluated upon expiration of the permit and may be revised from time to time as required by Metro, state or federal regulations and requirements or to meet any emergency. Waste discharge permits may include, but shall not be limited to, conditions pertaining to housekeeping practices, inventory storage, manufacturing methods, etc. that are intended to protect the waters of the state and the metropolitan area.

### SECTION 3. PROHIBITED SUBSTANCES

#### 3-01. Prohibited Substances

No person shall discharge any of the following prohibited substances directly or indirectly into any public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System:

##### 3-01.01. Flammable or Explosive Materials

Flammable liquids, solids or gases capable of causing or contributing to explosion or supporting combustion in any sewerage facilities including, but not limited to, the following: fuel oil, waste crankcase oil, and acetylene generation sludge.

##### 3-01.02. Substances Which Can Cause Obstruction or Interference

Any solid or viscous substances in quantities, either by itself or in combination with other wastes, which are capable of obstruction of flow or of interfering with the operation or performance of sewer works or treatment facilities, including, but not limited to, the following: ashes, cinders, sand, mud, straw, grass clippings, shavings, metal, glass, tar, asphalt, plastics, cloth, wood, chemical residues, brewing or distilling slops, spent grain or hops, whole blood, meat trimmings and wastes, animal paunch contents, hide, hair, offal, fish or fowl heads or parts, entrails, lard, tallow, baking dough, cannery waste bulk solids, plastic or paper utensils, plastic or paper containers either whole or ground.

3-01.03. **Odorous Substances**

Any noxious or malodorous gas or substance which either by itself or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry by authorized personnel to pump stations and other sewerage facilities.

3-01.04. **Toxic Vapor**

Any gas or substance which either by itself or by interaction with other wastes can produce a toxic vapor. These substances include, but are not limited to, chlorinated hydrocarbons, hydrogen sulfide, sulfur dioxide and cyanide compounds.

3-01.05. **Corrosive Substances**

Any gas or substance which either by itself or by interaction with other waste may cause corrosive structural damage to sewer works or treatment facilities, but in no case wastes with a pH lower than 5.5.

3-01.06. **Excessive Waste**

Wastes at a flow rate and/or pollutant discharge rate which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

3-01.07. **High Temperature**

Heat in amounts which will inhibit biological activity in treatment plant facilities resulting in an interference in the treatment process and specifically including heat in such quantities that the temperature of the treatment works influent exceeds 40 C (104 F) or the temperature exceeds 65 C (150 F) at the point of discharge from the industrial source to public sewers and/or the Metropolitan Sewerage System.

SECTION 4.  
**RESTRICTED SUBSTANCES**

4-01. **Restricted Substances**

No person shall discharge wastes containing restricted substances directly or indirectly into any public sewer, private sewer, or side sewer tributary to the Metropolitan Sewerage System, in excess of limitations specified by conditions of the waste discharge permit or published by the Executive Director or in excess of other Metro, state or federal standards. Permit limitations shall be established to the extent necessary to enable the Municipality to comply with current National Pollutant Discharge Elimination System



requirements as promulgated by the Environmental Protection Agency or the Washington State Department of Ecology, and to the extent necessary for compliance by Metro and by industrial dischargers with any applicable federal and state regulations and with requirements for the protection of sewerage facilities and treatment processes, public health and safety and the receiving waters and when determined by Metro to be necessary for the protection of water quality and avoidance of nuisance in the metropolitan area. The Executive Director shall publish and revise from time to time standards which as a minimum establish the following restricted parameters: pH, temperature, fats, oils and greases of animal or vegetable origin, fats, oils and greases of mineral origin, and other toxic substances including those defined in applicable state and federal regulations. These published standards shall, by this reference, be made a part of this resolution. Discharge limits or standards in effect and incorporated into any issued waste discharge permit shall remain in effect for that permit until it expires, except as modified as provided in Section 6-05.

**4-01.01. Food Waste**

Food waste discharged into any sewer shall have been properly shredded so that 100% will pass a 3/8 inch sieve and 75% will pass a 1/4 inch sieve. Persons engaged in the retail sale of raw produce shall be limited to one grinder having a prime mover not exceeding 5 hp for the processing of raw produce waste.

**4-01.02. Radioactive Substances**

Any radioactive wastes or isotopes discharged to any sewer shall not exceed such concentration limitations as established by applicable State of Washington Department of Social & Health Services regulations.

**4-01.03. Septic Tank Waste**

Any material from a cesspool, privy, septic tank or other on-site disposal system shall not be discharged into a sewer except at points in the Metropolitan Sewerage System designated for such discharge by the Executive Director.

**4-01.04. High Strength Wastes**

Any waters or wastes containing higher than ordinary concentrations or quantities of compatible pollutants, including but not limited to, biochemical oxygen demanding pollutants, suspended solids, pH and fecal material, may be required to discharge at a specific release rate or at a specified strength if, in the opinion of



the Executive Director, the release of such waste in an uncontrolled manner could adversely affect proper handling and treatment in the Metropolitan Sewerage System.

SECTION 5.  
NOTICE OF DISCHARGES

- 5-01.     **Notification of Discharge**  
Any person becoming aware of the discharge or prohibited or restricted substances directly or indirectly into a public sewer, private sewer, or side sewer tributary to the Metropolitan Sewerage System shall report such discharge immediately by telephone to the Water Quality Division or to one of the treatment plants of Metro. Prompt notification to Metro of such discharges will allow Metro to take necessary precautions to minimize hazards and to prevent damage to the receiving waters, thereby avoiding or minimizing discharge violations and fines from state and federal regulatory agencies and Metro. Failure by any person aware of such discharge of prohibited or restricted substances to report such discharge in the manner provided above shall constitute a violation (as that term is defined in Section 11 hereof), and subject said person to the penalties set forth in Section 13 of this resolution. Each failure to report a discharge shall be considered a separate violation.

Discharges of prohibited or restricted substances directly or indirectly into navigable waters, or into streams, ditches or sewers tributary to navigable waters, shall be reported to the U.S. Coast Guard or to the regional office of the State Department of Ecology, in accordance with federal law PL 92-500, Section 311.

- 5-02.     **Notice to Employees**  
In order that employees of persons involved in discharge to sewers be informed of Metro requirements, said persons shall make available to their employees copies of this resolution together with such other wastewater information and notices which may be furnished by Metro from time to time and directed toward more effective water pollution control. A notice shall be furnished and permanently posted in highly visible places such as bulletin boards and lunchrooms advising employees whom to call in case of a discharge violation of this resolution.

- 5-03.     **Preventative Measures**  
Any direct or indirect connection or entry point which could allow prohibited or restricted substance to enter the industrial user's plumbing or drainage system shall

be eliminated. Where such action is impractical or unreasonable the industrial user shall appropriately label such entry points to warn against discharge of such wastes in violation of this resolution.

SECTION 6.  
**WASTE DISCHARGE PERMIT**

6-01.

**Requirement**

Each person discharging or proposing to discharge industrial waste into a public sewer, private sewer, or side sewer tributary to the Metropolitan Sewerage System shall secure a waste discharge permit from Metro unless otherwise provided in this section.

6-01.01. **Existing Discharges**

If the Executive Director determines that an industrial waste discharge presents a substantial risk of discharge, of prohibited substances, or of discharges subject to Metro, federal or state pretreatment requirements or permit regulations, or of discharges which can cause harmful effect to sewage facilities and treatment processes, the public health and safety or receiving waters, he may require by written notice that a permit be secured. Upon receipt of such notice, the person so notified shall apply for a waste discharge permit within thirty (30) days. Extensions of time for submittal of an application may be granted by the Executive Director, not to exceed a total of sixty (60) days.

6-01.02. **Change in Existing Discharge**

Any person proposing to make a change in an existing industrial waste discharge which will substantially change the volume of flow or the characteristics of the waste or establish a new point of discharge, shall secure a new waste discharge permit before making such change. Application to Metro must be made for such new permit thirty (30) days prior to the change in discharge. Extensions of time for submittal of an application may be granted by the Executive Director, not to exceed sixty (60) days.

6-01.03. **New Discharges**

Any person proposing to discharge industrial waste but not holding a valid waste discharge permit shall apply to secure a waste discharge permit. Application to Metro must be made for such permit sixty (60) days prior to beginning of discharge.

6-01.04. **Minor Discharges**

Except when the Executive Director shall determine



that there is a continuing noncompliance with this resolution, a waste discharge permit will not be required for persons who in the opinion of the Executive Director are not subject to any Metro, federal or state pretreatment or other requirements because of the sporadic or limited nature of the discharge. Upon written notice from Metro that noncompliance exists the person so notified shall take immediate corrective action as approved by the Executive Director or shall apply for a waste discharge permit within thirty (30) days. Extensions of time for submittal of an application may be granted by the Executive Director, not to exceed a total of sixty (60) days.

**6-02. Application for Permit**

Application for waste discharge permits shall be made to the Executive Director in writing on forms provided by Metro and shall include such data, information and drawings as may be identified by Metro.

**6-03. Processing of Application**

Applications for waste discharge permits will be processed in the following manner:

**6-03.01. Public Notice**

Upon receipt of a proper application for permit, Metro shall instruct the applicant at its expense to publish notices thereof by such reasonable means and within such reasonable time as the Executive Director shall prescribe. Metro shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within King County and in a local newspaper serving the area where the industry is located and in such other appropriate information media as the Executive Director may direct. Said notice shall include a statement that any person desiring to present his views with regard to said application may do so in writing to the Executive Director, provided said person submits his views or notifies the Executive Director of his interest within thirty (30) days of the last date of publication of the notice. Such notification or submission of views to the Executive Director shall entitle said person to a copy of the action taken on the application. Upon receipt of an application, the Executive Director shall send notice of pertinent information to the directors of the state departments of fisheries, game, ecology and social and health services.

**6-03.02. Coordination with Local Public Agency**

Upon receipt of an application, Metro will



promptly provide a copy of the application to appropriate local public agencies. During the processing, Metro will consult with such local public agencies to insure that the limitations and conditions of the waste discharge permit will meet requirements of such agencies pertaining to the discharge of waste into the local public sewer system.

- 6-03.03. **Coordination With The State of Washington**  
Department of Ecology And The Federal Environmental Protection Agency During the application processing, Metro will consult, as appropriate, with the State of Washington Department of Ecology and the federal Environmental Protection Agency, to determine the most satisfactory method of disposal for the industrial waste under consideration, and to insure that the conditions of the waste discharge permit will meet requirements of applicable state and federal regulations.

- 6-04. **Issuance of Permit**  
If the characteristics of the proposed discharge or discharges meet the requirements of appropriate local public agencies, the State Department of Ecology, the Federal Environmental Protection Agency and any other applicable state and federal laws and regulations, and this resolution, the Executive Director shall issue waste discharge permit to the applicant therefore with appropriate conditions. A copy of the permit and the completed application on which the permit is based will be submitted to the Department of Ecology. The appropriate local public agencies will be notified in writing of the issuance of such a permit and will be furnished with one copy of each permit issued within its jurisdiction at no charge.

- 6-04.01. **Pretreatment Facilities**  
As a condition of the granting of a waste discharge permit, the permit holder may be required to install pretreatment facilities or make plant or process modifications as deemed necessary by the Executive Director to meet the requirements of this resolution and applicable federal and state standards. Such facilities or modifications shall be installed, constructed, operated and maintained at the permit holder's expense in accordance with the provisions of Section 7-02 of this resolution, and in accordance with the rules and regulations of all local and governmental agencies.

- 6-04.02. **Preoperative Inspection**  
Upon completion of pretreatment facilities or

plant or process changes, no permit holder may discharge industrial waste therefrom into a public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System until inspection shall have been made by Metro for compliance with conditions of the permit and with this resolution.

6-05. **Modification of Permit**

Discharge conditions published in a waste discharge permit shall remain in effect for that permit until it expires, except that they may be revised from time to time as required by state or federal regulations and requirements or to meet any emergency.

6-06. **Revocation of Permit**

A permit shall be subject to revocation upon thirty (30) days' notice in writing if the Executive Director finds:

(1) That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application; or

(2) That a material change in the volume of flow or characteristics of waste was effected without notice to Metro and application to Metro for a new permit was not made and a permit issued as required by subsection 6-01.02; or

(3) That there has been a violation of the limitations or conditions of the permit and the permit holder refuses to take corrective action or that a violation has continued after notice thereof.

At the time that a permit is revoked, the Executive Director may thereafter require disposal of the waste in some manner other than into a public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System at the expense of the person whose permit is revoked. The appropriate local agency and the Department of Ecology will be notified in writing of the revocation of such permit.

6-07. **Suspension of Permit**

A permit may be temporarily suspended and further discharges halted by the Executive Director if he determines that waste discharges are in violation of waste discharge permit limitations or conditions or Metro, state, or federal standards and pose an immediate risk to public health and safety or to damage, obstruction or interference with treatment facilities. Such suspension shall be effective immediately upon written notice delivered to the permit holder's business premises or posting at the point of discharge.



SECTION 7.  
RESPONSIBILITIES OF PERMIT HOLDER

7-01. **Control of Discharge**  
It shall be the responsibility of every person to control the discharge of industrial waste into a public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System in compliance with this resolution and the requirements of a waste discharge permit issued under the provisions of this resolution.

7-02. **Pretreatment Facilities**  
Whenever pretreatment facilities are required pursuant to this resolution, they shall be constructed, installed, operated and maintained at the expense of the permit holder and in a manner prescribed by the Executive Director. The permit holder shall maintain records indicating routine maintenance check dates, cleaning and waste removal dates and means of disposal of accumulated wastes. Such records shall be retained for a minimum of three (3) years and shall be subject to review in accordance with Section 8 of this resolution. Approval of proposed facilities or equipment by the Executive Director will not in any way guarantee that these facilities or equipment will function in the manner described by their constructor, or manufacturer, nor shall it relieve a person of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose and to meet the applicable standards, limitations and conditions of a waste discharge permit.

7-03. **Waste Analysis And Reporting Requirements**  
Permit holders will not be required to submit samples of industrial waste discharges to Metro or to perform tests and report the test results to Metro on a routine and continuing basis, except for the following:

- 1) If required by the terms and provisions of 40 CFR 403.12, as now or hereafter amended; or
- 2) If requested by state or local public agencies; or
- 3) If deemed necessary by the Executive Director for the proper treatment, analysis or control of waste discharges. All such tests and reports shall be at the cost of the permit holder.

Metro shall have the right to implement and enforce the requirements of 40 CFR 403.12 by order of its Executive Director. When deemed necessary by the Executive Director, a permit holder may be required to obtain, install, operate and maintain an automatic sampler and/or analyzer to monitor its industrial waste discharges in the manner directed by Metro.



To the degree practicable, Metro's industrial waste section will provide each permit holder or applicant with information on applicable Metro, state and federal waste analysis and reporting requirements, provided, however, that any failure or inadvertence to do so shall not excuse the permit holder from compliance with said requirements.

7-04.

#### **Sampling Manhole**

When required by Metro, the permit holder shall install and maintain at his expense a suitable control manhole in his side sewer to facilitate observation, sampling and measurement of wastes therein. Such manhole shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans approved by Metro and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by Metro. The permit holder shall make access to such manhole available to Metro at all times.

### **SECTION 8. INSPECTION OF WASTE CONTROL AND WASTE DISPOSAL FACILITIES**

8-01.

#### **General Inspection Procedures**

In order to carry out the provisions of this resolution and in order to insure compliance with federal and state laws and regulations relating to water pollution, authorized and properly identified representatives of Metro, upon stating their purpose and presenting to the owner, operator or agent in charge at the premises of any person discharging of industrial waste into a public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System: (A) appropriate credentials; and (B) an administrative inspection warrant in the case of an inspection requiring a warrant and if requested by said owner, operator or agent. The Metro representatives shall have the right to enter that portion of the premises of any person discharging industrial waste into a public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System which said portion contains a side sewer, measuring manhole, pretreatment facilities or other facilities used for transportation, collection, concentration or treatment of wastes from such premises. The purpose of said entry shall be for inspection, observation, measurement, sampling and testing in accordance with the provisions of this resolution, at reasonable times or for the purpose of handling an emergency as determined by the Executive Director at any time if the Executive Director determines that an emergency exists. All regular



sanitary and safety requirements of such person shall be complied with by such representative during such inspection. Observations and data secured by Metro regarding waste generating processes shall be considered confidential except that such record, report or information may be disclosed to authorized representatives of the State of Washington or the United States concerned with carrying out the provisions of the Federal Water Pollution Act, as amended, Chapter 90.48 RCW, or when relevant to any proceedings under those statutes and implementing regulations.

8-02.

#### **Situations Not Requiring Administrative Inspection Warrant**

A warrant shall not be required for entry and administrative inspections (including observation, measurement, sampling or testing) under this resolution in the following situations:

(1) With the consent of the owner, operator or agent in charge of the premises;

(2) In situations where the Executive Director has determined that an emergency exists presenting imminent danger to the public health, safety and welfare, the environment or water quality of a receiving water or interference or risk of interference or obstruction with the functioning of the Metropolitan Sewerage System;

(3) In any emergency circumstance where there is neither time nor opportunity to apply for a warrant;

(4) In any other situation where a warrant is not required by law.

8-03.

#### **Issuance and Execution of Administrative Inspection Warrants**

In the event an administrative inspection warrant must be obtained to enter upon the premises of any person disposing of industrial waste into a public sewer, private sewer, or side sewer tributary to the Metropolitan Sewerage System, the Executive Director shall apply to any judge of the Superior Court of the State of Washington who shall within his territorial jurisdiction and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this resolution. For purposes of an administrative inspection, probable cause justifying the issuance of a warrant may be based either on: (A) specific evidence of an existing violation of the terms and conditions of a waste discharge permit, this resolution or any state or federal law or regulation relating to water



(  
pollution; or (B) evidence that reasonable administrative standards for conducting an inspection (including observation, measurement or testing of industrial waste) are satisfied with respect to a particular premises and that a specific premises has been selected for Metro inspection on the basis of a general administrative plan for the enforcement of this resolution or any Metro, state or federal laws or regulations relating to water pollution.

8-04.

#### **Sampling Procedures**

A portion (or a duplicate in the instance of fats, oils, and greases) of any samples collected pursuant to paragraph 8-01 by Metro personnel, shall be made available to the industrial discharger being monitored. If the industrial discharger has samples analyzed for comparison with Metro's results, such a comparison will be considered valid only if methods and procedures are the same as those utilized or approved by Metro and those methods and procedures conform to and are consistent with the analytical methods established by the latest edition of the following references:

(1) American Public Health Association, Standard Methods for the Examination of Water and Waters;

(2) American Society for Testing and Materials, A.S.T.M. Standards, part 23, Water, Atmospheric Analysis;

(3) Environmental Protection Agency, Water Quality Office Analytical Control Laboratory, Methods for Chemical Analysis of Water and Wastes; or another analytical method, determined by Metro to be required to identify and quantify a particular pollutant not adequately sampled by the above referenced methods.

8-05.

#### **Sampling Point**

Consistent with federal pretreatment standards, pollutant levels for all regulated processes will be monitored at the point of discharge from the regulated process following pretreatment. Such monitoring shall be prior to the addition of any dilution water.

8-06.

#### **Inspection and Monitoring Program**

The purpose of the inspection and monitoring program shall be to verify at least once annually, independent of information supplied by industrial users pursuant to paragraph 7-03, the compliance or noncompliance with applicable pretreatment standards and requirements, or special requirements as prescribed by the Executive Director.

The monitoring and inspection program is designed to provide sampling emphasis on those industrial



categories discharging the greatest volume and concentration of pollutants. Comprehensive sampling by automatic samplers will be augmented with grab samples taken on a random basis. Those companies with large industrial discharges can expect to be sampled quarterly or more often, while small dischargers may be checked once annually. Industrial users also discharging high strength waste will be monitored as part of the industrial surcharge program.

8-07.

**Post-Violation Inspection and Monitoring Program.**

In addition to the inspection and monitoring program under subsection 8-06, there shall be a post-violation inspection and monitoring program. Such program shall provide for additional inspection and monitoring of any industry failing to comply with or violating any of the provisions of Section 3, Section 4, Section 5, Section 6, Section 7 and Section 9, the criteria of Section 10 of this of this resolution, and applicable state and federal requirements. The purpose of such program shall be to verify, independent of information supplied by industrial users pursuant to subsection 7-03, the compliance or noncompliance with applicable pretreatment standards and requirements, or special requirements as prescribed by the Executive Director.

*[Section 8-07. Added by Resolution No. 5806, signed January 18, 1990]*

**SECTION 9.  
INDUSTRIAL COST RECOVERY**

9-01.

**Industrial Cost Recovery**

Each industrial user of a treatment works constructed be Metro wholly or partially with the use of federal grant money shall pay to Metro that portion of the federal grant amount allocable to the treatment of the industrial users' wastes as determined by federal regulations in addition to its proportionate share of costs of operation and maintenance as required by Section 204(b)(1)(A) of Public Law 92-500 and such user charges as may be lawfully imposed by Metro.

9-02.

**Significant Industrial Users' Letter of Intent**

Upon written request from the Executive Director in instances where Metro has applied for federal grant money to construct treatment works, each significant industrial user shall send to Metro a signed letter of intent to pay that portion of the federal grant amount allocable to the treatment of its wastes as determined by federal regulations. Each such letter shall also include a statement of the industrial user's intended period of use of the treatment works.

**9-03. Industrial Cost Recovery System**

- 9-03.01. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay to Metro its share of the total amount of the grant and any grant amendment awarded pursuant to this subpart, divided by the recovery period.
- 9-03.02. Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than one (1) year after such user begins use of the treatment works.
- 9-03.03. An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, components, volume and delivery flow rate characteristics, shall be considered and included to insure a proportional distribution of the federal grant assistance allocable to industrial use to all industrial users of a particular treatment works. At a minimum, an industry's share shall be proportional based on its flow in relation to the treatment works flow capacity.
- 9-03.04. If there is a substantial change in the strength, components, volume or delivery flow rate characteristics introduced into the treatment works by an industrial user, such user's share shall be adjusted accordingly.
- 9-03.05. If there is an expansion or upgrading of the treatment works, each existing industrial user's share shall be adjusted accordingly.
- 9-03.06. An industrial user's share shall include only that portion of the federal grant assistance allocable to its use or to capacity firmly committed for its use.
- 9-03.07. An industrial user's share shall not include an interest component.

**SECTION 10.  
VIOLATIONS**

**10-01. Criteria Constituting a Violation**

- 10-01.01. A violation of those limitations established under Section 4 of this resolution, federal, state or Metro pretreatment standards, or specific



requirements of an industrial waste discharge permit shall occur, regardless of intent or accident, when:

A. The maximum daily allowable concentration is violated under the following circumstances:

- (1) The arithmetic mean of concentrations for eight consecutive samples collected over intervals of 15 minutes or greater is in excess of the limitation;
- (2) The concentration of any single sample (whether grab or a sample within a series) - exclusive of any fats, oils, and grease exceeds the limitation by a factor of four (4);
- (3) The arithmetic mean of the concentration of fats, oil, or greases for three grab samples, taken no more frequently than at five (5) minute intervals exceeds the limitation.

B. The arithmetic mean of the antilog of the pH values of at least 8 consecutive samples taken at intervals of 15 minutes or greater is less than an equivalent pH value of 5.5, or the pH of any single sample is less than 5.0.

C. The temperature limitation is exceeded for any single sample. Each discrete discharge exceeding such limitations, standards or requirements shall constitute a separate violation, or if such discharge is continuous, then each hour of said discharge shall constitute a separate violation, provided the Executive Director shall have the discretion to combine such discrete or continuous discharges and limit the number of violations for purposes of assessing penalties if the violations are minor and do not pose significant risks to public health and safety or treatment processes and facilities and the industrial user demonstrates to the reasonable satisfaction of Metro that it is using its best efforts and the most current technology to avoid such discrete or continuous discharges.

10-01.02. A violation will be considered to have occurred if special reporting requirements established by permit, Section 5 of this resolution, written request of the Executive Director or his authorized representative, or as specified by general federal pretreatment standards (40 CFR 403.12) are not complied with.



10-01.03. A violation will be considered to have occurred if mass related limitations for specific pollutants have been violated. A violation will be determined utilizing the formula:

(8.34) (Millions of gallons discharged)  
(concentration pollutant in mg/L)

The concentration used for the pollutant will be the arithmetic mean of those concentrations for samples collected during the period monitored or the concentration of a flow proportioned composite during that period. The volume will be determined by either a water meter or sewer meter serving the monitored process and read immediately prior to and after sampling.

10-02. **Notice of Violation**

Upon determination that a violation has taken or is taking place, a representative of Metro shall make a reasonable effort to immediately notify the violating party. The first notification may be verbal if subsequently followed by written notification. Such written notification shall be entitled "Notice of Violation," shall be signed by the Executive Director, and shall specify the nature and source of the violation. Such written notice may be delivered to the business premises of an industrial user or may be submitted by regular mail to the address of the permit holder as given to Metro. Following these notification procedures, applicable follow-up correspondence will be used to establish penalties as provided by Section 13 and/or corrective action to be taken by the violator.

10-03. **Public Notification of Violations**

Pursuant to the requirements of 40 CFR 403.8 the Municipality will publish in the daily newspaper with the largest daily circulation in the metropolitan area, not less than annually, a list of those industrial users which during the previous 12 months were determined to be responsible for significant violations of the limitations established by this resolution and applicable pretreatment standards or other requirements pursuant to this resolution. This notification will summarize enforcement action by Metro during the same 12 months. For the purposes of this subsection, the term "significant violations" shall be as defined in 40 CFR 403.08.

**SECTION 11.**  
**BOARD OF REVIEW**

The Metropolitan Council shall appoint an Industrial Waste Board of Review consisting of seven (7) members. A Board member representing industrial activities located in the metropolitan area shall be appointed from each of the following categories: dairies; food and kindred products; chemical; metal processing; and gas and oil. In addition, two (2) Board members shall be appointed from the members of the Metropolitan Water Pollution Abatement Advisory Committee. The purpose of the Industrial Waste Board of Review shall be to advise the Metropolitan Council on industrial waste matters, and, when requested by the Council, to review decisions and requirements of the Executive Director relating to the discharge of industrial wastes into a public sewer, private sewer, or side sewer tributary to the Metropolitan Sewerage System, or the disposal of prohibited substances, high strength wastes and sludge. The terms of the members shall be established in the resolution making the appointments. The Board shall establish its own rules of procedure and shall select a chairman. A record shall be kept of all meetings, including the attendance and actions taken. A copy of the record shall be forwarded to interested local public agencies. All meetings shall be open to the public. Recommendations of the Industrial Waste Board of Review shall be advisory only.

**11.01      Membership of the Industrial Waste Board of Review**  
The Metropolitan Council shall appoint an Industrial Waste Board of Review consisting of nine (9) voting members. A Board member representing industrial activities located in the metropolitan area shall be appointed from each of the following industries: food and kindred products; chemical; metal processing; small quantity generators; and "others" consisting of industrial laundries, photoprocessors, transportation, and other categories of industry under permit to the Municipality. In addition, two (2) board members shall be appointed from the members of the Metropolitan Water Pollution Abatement Advisory Committee, two (2) members shall be appointed from and by the Citizens' Water Quality Advisory Committee (CWQAC). Members appointed by the Metropolitan Council to serve as representatives of specific industrial categories shall be nominated by business and associations serving that category of industry.

**11.02.      Purpose of the Industrial Waste Board of Review**  
The purpose of the Industrial Waste Board of Review shall be to advise the Metropolitan Council on industrial waste matters, and, when requested by the Council, to review decisions and requirements of the Executive Director relating to the discharge of industrial wastes into a public sewer, private sewer,



or side sewer tributary to the Metropolitan Sewerage System, or the disposal of prohibited substances, high strength wastes and sludge.

11.03     **Terms of Appointments**

The terms of the members shall be established in the resolution making the appointments.

11.04     **Procedures**

The Board shall establish its own rules of procedure and shall select a chair. A record shall be kept of all meetings, including the attendance and actions taken. A copy of the record shall be forwarded to interested local public agencies. All meetings shall be open to the public. Recommendations of the Industrial Waste Board of Review shall be advisory only.

*[Section 11. Amended by Resolution 5696, signed November 2, 1989]*

SECTION 12.

**APPEAL TO THE METROPOLITAN COUNCIL**

Any person feeling himself aggrieved by any decision or action of the Executive Director made or taken pursuant to this resolution may appeal to the Metropolitan Council by filing written notice of appeal with the Clerk of the Council within ten (10) days following notification of such decision or action. Such notice of appeal shall set forth in reasonable detail the action or decision appealed from and the appellant's grounds for reversal or modification thereof. Within twenty-one (21) days following the receipt of such notice, the Clerk of the Council will place the appeal on the agenda of the Water Quality Committee of the Metropolitan Council. The Water Quality Committee may refer the appeal to the Industrial Waste Board of Review, which in turn, shall set a time for a hearing upon such appeal which shall be no more than thirty (30) days following the date of referral to the Board unless a further time extension is granted by the Board, or the Water Quality Committee may refer the appeal to the full Council for a hearing. The Council may reject the appeal or the Council shall set a time for Council hearing upon such appeal which shall be no more than thirty (30) days following the date of referral of such Notice of Appeal to the Council unless a further time extension is granted by action of the Council. The Council may designate the Water Quality Committee or another appointed subcommittee of Council members to serve as the hearing body. If the appeal is referred to the Industrial Waste Board of Review, the written recommendation of the Board shall be filed with the Clerk of the Council within four (4) days after the Board hearing. The Council may hold a hearing on the recommendation of the Board or its designated hearing body and, in any event, shall take action on the recommendation of the Board or hearing body within twenty-one



(21) days following the filing of the recommendations. The action of the Council upon such appeal shall be conclusive, subject to appeal to the State Pollution Control Hearings Board or the Superior Court of King County in the manner prescribed by law. The filing of such appeals shall not stay enforcement of the action of the Council or Executive Director.

At least three (3) days' notice of the time and place of any hearing held pursuant to this section shall be given to the person aggrieved, unless such notice shall be waived by such person in writing.

### SECTION 13. PENALTIES

Any person failing to comply with or violating any of the provisions of Section 3, Section 4, Section 5, Section 6, Section 7, and Section 9 and the criteria of Section 10 of this resolution shall, for each such failure or violation, be subject to penalties as hereinafter set forth. Upon determination of such a failure or violation, the Executive Director shall issue a written notice stating the nature of the failure or violation pursuant to Section 10-02. Where repetitive or continuous violations are occurring and the person responsible for the violations is using best efforts and most current technology to avoid further failures or violations, the Executive Director shall allow a reasonable time for satisfactory correction thereof. Depending upon the severity of the situation, the Executive Director may require disposal of the industrial waste in some manner other than into the public sewer, private sewer or side sewer tributary to the Metropolitan Sewerage System, at the expense of the person responsible for the failure or violation. Said person shall, within the period of time stated in such notice, satisfactorily correct said failure or violation. Extensions of this time limit may be granted by the Executive Director upon consideration of a request in writing from said person, which shall set forth the truthful reasons why compliance cannot be timely made. Corrections of violating conditions shall not preclude assessment of penalties.

Any person who shall continue any failure or violation beyond the time limit provided shall be deemed guilty of an additional and separate failure or violation for each discharge as explained in 10-01.01.

For each failure or violation hereunder, the person responsible shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars (\$5,000.00). The determination as to the amount assessed will be dependent upon a number of factors including, but not limited to, the type and concentration of the pollutant causing the violation, the volumes discharged, the damages caused by or related to the discharges, the history of past violation by the same person, the assessment of any prior penalties for similar violations and the number of



violations as determined pursuant to subsection 10-01.01.

Any person causing damage to a public sewer, treatment facility or receiving waters by discharges not in compliance with this resolution and the requirements of any permit, shall be liable for any such damage and for any additional treatment costs and for any penalties, including the withholding of any grant money, levied against Metro for violation of state and federal permits resulting from said noncompliant discharges and for any other expert, legal or administrative costs incurred by Metro or the local public agency as a result of such damage or discharge.

Any industry for whom the Executive Director implements a post-violation inspection and monitoring program under subsection 8-07 of this resolution shall be responsible for costs therefor incurred by the Municipality, including without limitation expert, legal, and administrative costs. Such costs shall be in addition to the other fees, penalties and costs for damages set forth in this Section 13.

*[Section 13. Paragraph 5 added by Resolution 5806, signed January 18, 1990]*

#### **SECTION 14. IMPLEMENTATION**

The Executive Director is authorized and directed to promulgate such rules and regulations as he or she deems necessary to carry out the purposes or provisions of this resolution, to insure Metro's compliance with the requirements of any federal or state law or administrative regulation relating to water pollution and any changes or amendments thereto, and to ensure Metro performs its statutory function under RCW 35.58.200. Nothing herein shall prevent the Executive Director from seeking judicial or governmental agency assistance to implement the policies and requirements of this resolution.

#### **SECTION 15. EFFECTIVE DATE**

The effective date of this resolution shall be February 21, 1980. Resolution No. 2310 adopted June 26, 1975 is superseded as of said date.

#### **SECTION 16. SEVERABILITY**

If any provision of this resolution or its application to any person or circumstances is held invalid, the remainder of the resolution or the application of the provision to other persons or circumstances is not affected.

ADOPTED by the Council of the Municipality of Metropolitan  
Seattle at a regular meeting thereof held on the 21st day of  
February, 1980.

Attest:

C. Carey Donworth  
Chairman of the Council

Larry T. Yok  
Clerk of the Council